# Senate File 2158 - Introduced

SENATE FILE 2158 BY CARLIN

## A BILL FOR

- 1 An Act relating to the printing and counting of absentee
- 2 ballots by requiring a watermark, and including effective
- 3 date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. Section 43.27, Code 2022, is amended to read as 2 follows:
- 3 43.27 Printing of ballots.
- 4 l. The text printed on ballots of each political party
- 5 shall be in black ink, on separate sheets of paper, uniform
- 6 in quality, texture, and size, with the name of the political
- 7 party printed at the head of the ballots, which ballots shall
- 8 be prepared by the commissioner in the same manner as for the
- 9 general election, except as provided in this chapter. The
- 10 commissioner may print the ballots for each political party
- ll using a different color for each party. If colored paper is
- 12 used, all of the ballots for each separate party shall be
- 13 uniform in color.
- 2. Each absentee ballot shall include a watermark
- 15 approved by the state commissioner. The watermark shall be
- 16 easily discernible for verification purposes by the county
- 17 commissioner and the absentee and special voters precinct
- 18 election board. The state commissioner shall adopt rules for
- 19 the implementation of this subsection.
- Sec. 2. Section 49.57, Code 2022, is amended by adding the
- 21 following new subsection:
- 22 NEW SUBSECTION. 8. Each absentee ballot shall include a
- 23 watermark approved by the state commissioner. The watermark
- 24 shall be easily discernible for verification purposes by
- 25 the county commissioner and the absentee and special voters
- 26 precinct election board. The state commissioner shall adopt
- 27 rules for the implementation of this subsection.
- 28 Sec. 3. Section 53.25, subsection 1, Code 2022, is amended
- 29 by adding the following new paragraph:
- 30 NEW PARAGRAPH. c. If an absentee voter's ballot lacks the
- 31 watermark required pursuant to section 43.27 or 49.57, the
- 32 absentee ballot shall be rejected by the absentee and special
- 33 voters precinct board.
- 34 Sec. 4. Section 53.26, subsection 2, Code 2022, is amended
- 35 to read as follows:

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- 2. All Except for an absentee ballot rejected due to the
- 2 lack of a required watermark, all rejected ballots shall be
- 3 enclosed and securely sealed in an envelope on which the
- 4 precinct election officials shall endorse "Defective ballots",
- 5 with a statement signed by the precinct election officials
- 6 regarding the precinct in which and the date of the election
- 7 at which they were cast. The envelope shall be returned to
- 8 the same officer and in the same manner as by law provided for
- 9 the return and preservation of official ballots voted at such
- 10 election.
- 11 Sec. 5. Section 53.26, Code 2022, is amended by adding the
- 12 following new subsection:
- 13 NEW SUBSECTION. 3. An absentee ballot rejected due to
- 14 the lack of a required watermark, including its affidavit
- 15 envelope, shall be kept separate from all other ballots. The
- 16 commissioner shall send notification of the rejection to the
- 17 state commissioner of elections, relevant county attorney,
- 18 and attorney general, who shall investigate the ballot for
- 19 potential election misconduct.
- 20 Sec. 6. EFFECTIVE DATE. This Act takes effect July 1, 2023,
- 21 except that the state commissioner of elections may adopt rules
- 22 for the implementation of this Act prior to that date.
- 23 EXPLANATION
- 24 The inclusion of this explanation does not constitute agreement with
- 25 the explanation's substance by the members of the general assembly.
- 26 This bill relates to the printing of ballots. The bill
- 27 requires each absentee ballot to include a watermark, approved
- 28 by the state commissioner of elections, that is easily
- 29 discernible to the county commissioner of elections and the
- 30 absentee and special voters precinct election board. If an
- 31 absentee ballot lacks the watermark, the bill requires the
- 32 absentee and special voters precinct board to reject the
- 33 ballot, keep the ballot and the ballot's affidavit envelope
- 34 separate from all other ballots, and report the ballot to the
- 35 state commissioner of elections, relevant county attorney,

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- 1 and attorney general, who shall investigate the ballot for
- 2 potential election misconduct.
- 3 The bill takes effect July 1, 2023, except that the
- 4 state commissioner of elections may adopt rules for the
- 5 implementation of the bill prior to that date.